

REMARKS/ARGUMENTS

The present remarks are in response to the non-final Office Action mailed on October 11, 2007. Claims 1-43 are pending in the present patent application. Claims 1-33, 35, 37-41, and 43 have been cancelled previously without prejudice. The Applicant intends to pursue some or all of these claims in a future, related application. Claims 34, 36, and 42 remain for consideration and have been rejected under 35 U.S.C. §103(a).

Claim 34 has been amended to recite that "...the energy store is at least partially located in the handle region; and...the handle region is angled relative to the head region." Support for the amendment can be found in the specification in at least FIGS. 1a and 1b. Accordingly, no new matter was added when amending claim 34.

1-2. Claims 34, 36, and 42 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,046,249 to Kawara et al. (hereinafter the "Kawara patent") in light of U.S. Patent No. 5,214,851 (hereinafter the "Althaus patent")

In rejecting the above claims, the Examiner noted:

Kawara's motor and eccentric flywheel are mounted directly in the head region instead of having an intermediate sleeve. However, the use of an intermediate sleeve is well-known as shown by Althaus (6). It would have been obvious to one of skill in the art to have sleeved Kawara's motor and eccentric flywheel, as taught by Althaus, in order to provide a sturdier vibration device that is easier to install.

(See Office Action of May 11, 2007, page 2, para. 2). Claim 34 (reproduced below, in amended form, for convenience) is the sole independent claim.

34. A razor, in particular for wet shaving, comprising:
a unitary body having a handle region, a head region and a neck region located between the handle region and the head region, and
functional components at least partially arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device; wherein
the vibration device comprises a motor with a flywheel arranged eccentrically in relation to an axis of rotation; and
the motor and the flywheel are arranged within a protective sleeve, the protective sleeve being substantially enclosed within the head region of the unitary body, the motor and protective sleeve extending along the axis of rotation more than the protective sleeve extends perpendicular to the axis of rotation;
wherein the energy store is at least partially located in the handle region; and
wherein the handle region is angled relative to the head region.

The applicant submits that the Kawara reference does not render obvious claim 34, as amended (above). “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” See MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Below, the applicants have respectfully traversed the Examiner’s rejection on the basis that the cited references, alone or in combination, do not teach or make obvious, each and every claim recitation of claim 34.

Claim 34 has, as noted above, has been amended to recite that the energy store is at least partially located in the handle region and the handle region is angled relative to the head region (which contains the energy store). Accordingly, the claim now recites that the vibration device (*i.e.*, the motor and flywheel) is positioned inside a protective sleeve, and that the protective sleeve is substantially enclosed within the head region of the unitary body. The claim further recites that the energy store, which is also inside the unitary body of the handle at the handle region, is angled relative to the vibration device.

As noted by the Examiner, the Kawara patent fails to disclose or make obvious the use of such a protective sleeve. The Kawara reference states that the electric rotary motor (50) is directly mounted within the shaver head (30). The rest of the handle (*i.e.*, the damper member 70 and the base barrel (11)) is then assembled with the shaver head (30). For example, the disclosure of Kawara requires that the shaver head (30) be pre-formed, prior to inserting the motor assembly. The Kawara patent also fails to disclose a unitary body having a handle region, a head region and a neck region.

The design of the Althaus patent discloses placing the vibrator unit (5) in a vibrator housing (6). The vibrator housing (6) forms a carrier the vibrator unit (5), and provides structural support for pin about which the second flywheel spins (at 22). The Althaus handle further discloses a handle housing (2), which is preferably one piece (see col. 2, lines 40-44). In addition, the Althaus handle discloses having an opening at the end of the handle into which the vibrator housing (6) (with the vibrator (5) therein) is inserted and slid into place, followed by the wired battery. The opening in the handle is then capped (3). A representative figure is included below:

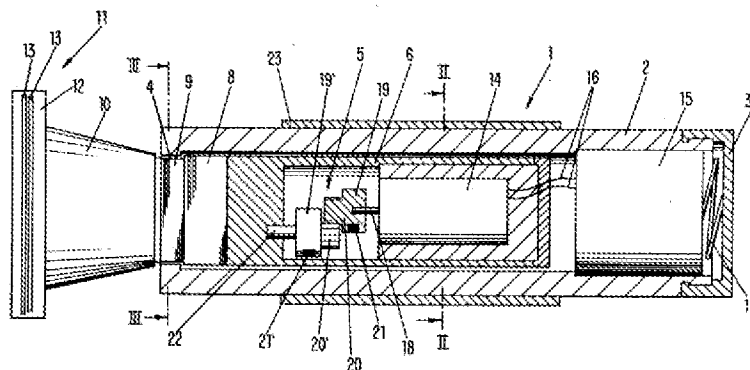


FIG. 1

Accordingly, the Althaus patent does not make obvious a handle where the vibration mechanism is located in a head region that angled relative to a handle region. For example, in order to modify the Althaus handle to fall within the scope of the presently rejected claim, the vibrator housing (6) would have to be relocated to the razor head (10), which is angled relative to the housing (2). Alternatively, some type of bend would have to be placed in the housing (2). In either situation, the assembly of the Althaus patent would become impossible without making the handle unduly large because the generally cylindrical vibrator housing could not pass through the "turn" to access the angled head region unless the handle is exceptionally wide.

As was also noted in the Applicants' previous response of May 3, 2007, the protective sleeve recited in claim 34 enables the designers to select from a number of methods of manufacturing a unitary body (e.g., molding a unitary handle around the protective sleeve that contains the motor). In the above example, a molding process, without the use of the protective sleeve, would render the vibration device useless (*i.e.*, the eccentric weight would be captured within the molded material and would be unable to spin). The Kawara and Althaus references do not render obvious the present invention, which advantageously permits a designed to utilize these alternative manufacturing processes to achieve a compact, contoured handle.

Accordingly, as discussed above, because each and every recitation of claim 34 is not rendered obvious by the combination of the Kawara and Althaus patents, claim 34 is patentable. Favorable reconsideration of the present rejection is respectfully requested.

Claims 36 and 42 depend from claim 34 and are, therefore, also not anticipated by the Kawara patent for at least the same reasons stated above in connection with claim 34, as well

as by virtue of the additional claim recitations included therein. Favorable reconsideration of the rejections of these claims is requested, as well.

Summary

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

Please charge our Deposit Account No. 504112 to cover the fees associated with the three-month extension fee. No additional fees are believed to be due in connection with the present Amendment and Remarks. However, if it is determined that fees are required, please charge our Deposit Account.

Respectfully submitted,

By: _____
Timothy A. Johnson
Reg. No. 51,234